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## EU-25

### Sanitary/Phytosanitary/Food Safety

## EU Authorizes a Reduction in the Frequency of Phytosanitary Inspections for US Apples

## 2005

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**Report Highlights:**

Starting September 1, 2005, EU Member States are authorized to reduce the frequency inspections on imports of US apples from the current level of 100 percent to a minimum of 15 percent. Individual EU Member States can now adopt their own inspection frequency at a level between 15 and 100 percent.

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Includes PSD Changes: No  
Includes Trade Matrix: No  
Unscheduled Report  
Brussels USEU [BE2]  
[E3]

The European Commission (EC) has notified USDA/APHIS that, starting September 1, 2005, EU Member States are authorized to reduce the frequency of inspections on imports of US apples from the current level of 100 percent to a minimum of 15 percent. Each EU Member State can adopt an inspection frequency level of between 15 and 100 percent. The decision on US apples, taken by the Reduced Frequency Working Group of the EC Directorate General for Health and Consumer Protection (SANCO), is based on sufficient inspection data to qualify for a reduction under the terms of Commission Regulation (EC) 1756/2004.

As US citrus fruit already qualifies for reduced inspections, US pears and US cherries remain the main products affected by the more stringent phytosanitary inspection requirements.

## Background

Starting January 1, 2005, the amended EU plant health directive set a 100 percent inspection requirement for certain imported plant products, unless they qualified for reduced inspection rates. While this amendment was originally published in 2002, the criteria for reduced inspections were only made available in October 2004. Furthermore, the decision about which products would qualify for reduced inspection became known only a few weeks before the 100 percent inspections began. As a result, several US products failed to immediately qualify for reduced inspections, especially since the criteria were not risk-based, but rather were based on an arbitrary past number of inspected shipments.

## Related legislation

The underlying plant health directive ([2000/29/EC](#)) was adopted in 2000. Article 13 of the directive (which applies to imported products) suggests the possibility of less than 100 percent inspection:

"...that these plants, plant products and other objects and their packaging shall be meticulously inspected on an official basis, **either in their entirety or by representative sample**..."

Directive 2000/29/EEC was substantially amended in 2002 by Directive [2002/89/EC](#), which completely replaced article 13 with language that appears to preclude the possibility of representative sample inspections:

"...shall consist of meticulous inspections by the responsible official bodies **on at least:**

- (i) **each consignment declared**, under the customs formalities, to consist of or to contain plants, plant products or other objects, referred to in Article 13(1), (2) or (3) under the respective conditions, or
- (ii) in the case of a consignment which is composed of different lots, **each lot declared**, under the customs formalities, to consist of, or to contain, such plants, plant products or other objects."

The revised Article 13 allows for the possibility of reduced inspections, under less than clear conditions:

"The plant health checks may also be carried out at reduced frequency, if there is evidence, collated by the Commission and based on experience gained from earlier introduction of such material of the same origin into the Community as confirmed by all Member States concerned, and after consultation within the Committee referred to in Article 18, to believe that the plants, plant products or other objects in the consignment or lot comply with the

requirements laid down in this Directive, provided that the detailed conditions specified in implementing provisions pursuant to paragraph 5(c) are met."

Paragraph 5(c) notes that implementing provisions may be adopted to:

"...specify the detailed conditions for the evidence ... and the criteria for the type and level of reduction of the plant health checks."

These implementing provisions were finally adopted in October 2004 in Commission Regulation [EC No 1756/2004](#) of October 11, 2004. This regulation set out the requirements for having reduced inspections, including:

- (a) the average number of consignments over three years of the product concerned introduced into the Community each year is at least 200, and
- (b) the minimum number of consignments of the product concerned for which inspections have been carried out during the previous three years is at least 600, and
- (c) the number of consignments of the product concerned each year which were found infected by the harmful organisms ... is less than 1 % of the total number of consignments of the said product concerned imported into the Community, and consignments consisting of the products concerned imported in its territory.

A [notification](#) was sent to the WTO SPS Committee in 2003, after the 2002 Amendment had already been adopted.

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